

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JACK W. CHISUM	§	
TDCJ-CID #1094370	§	
V.	§	C.A. NO. C-06-151
	§	
MICHAEL MILBY	§	

OPINION AND ORDER OF TRANSFER

Plaintiff sues Michael Milby, the Clerk of this Court, alleging that he violated plaintiff's constitutional rights when he refused to accept pleadings for filing in the Houston Division of the Southern District of Texas. Plaintiff is presently incarcerated at TDCJ-CID's Ellis Unit in Huntsville, Texas, and Mr. Milby's office is in Houston, Harris County, Texas. Harris County is located in the Houston Division of the Southern District of Texas. 28 U.S.C. § 124(b)(2).

Venue in federal question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). A district court has the authority to transfer a case in the interest of justice to another district or division in which the action might have been brought. 28 U.S.C. §§ 1404, 1406; Balawajder v. Scott, 160 F.3d 1066, 1067 (5th Cir. 1998). The alleged events giving rise to plaintiff's claim occurred in Harris County, Texas, and the defendant is located in Harris County. A transfer is appropriate and in the interests of justice.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Southern District of Texas, Houston Division.

ORDERED this 4th day of April, 2006.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE